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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,567	01/02/2004	Johnson J.Y. Hsu	HSUJ3012/EM	8777

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EXAMINER

NGUYEN, TUAN N

ART UNIT PAPER NUMBER

3751

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/749,567

Applicant(s)

HSU, JOHNSON J.Y. 

Examiner

Tuan N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2,3 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species (I): Figs. 1-5 in the reply filed on 10/12/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 2, 3 and 5 have been withdrawn from consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hegge et al. (hereinafter Hegge).

Hegge discloses a lavatory cleanser dispensing device that is height-adjustable and releases lavatory cleanser quantitatively, the lavatory cleanser dispensing device comprising a fixing member (Fig. 2) having a hanging portion at a top side thereof and a plurality of locating portions (72) positioned at a bottom section thereof and in top-down arrangement, the hanging portion hanging on a toilet water tank; and a shell (10, 21, 22) having at least one chamber inside, a plurality of inlets (16) and outlets (15) for communication between the chamber and outside, and at least one positioning portion (34-37) detachably mounted on the locating portions.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan in view of Hsu.

Morgan discloses a lavatory cleanser dispensing device that is height-adjustable and releases lavatory cleanser quantitatively, the lavatory cleanser dispensing device comprising a fixing member (see Figs. 1-3) having a hanging portion at a top side thereof and a plurality of locating portions (any portions along the tear line) positioned at a bottom section thereof (see Figs. 2 and 3) and in top-down arrangement, the hanging portion hanging on a toilet water tank; and a shell (see Fig. 2) having at least one chamber inside, an inlet and an outlet for communication between the chamber and outside, and at least one positioning portion (any portions along the tear line) detachably mounted on the locating portions (depend on how much the user tear and fold the shell with respect to the fixing member). The fixing member comprises a fracture; the hanging portion is integrally formed at the fracture, the hanging portion having a first bendable portion and a second bendable portion, the hanging portion being smooth while not in use, the hanging portion having a shoulder extending towards a rear side of the fixing member along the first and second bendable portions and an arm extending vertically downwards from a distal end of the shoulder (see Fig. 3). The

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shell further comprises a circumventive frame extending outwards from a periphery of the chamber; the positioning portions (the tear lines) are positioned on the circumventive frame and spaced apart from each other at a predetermined distance.

The fixing member is rectangular; the hanging portion is positioned at a short side of the fixing member (see Fig. 2); the locating portions (the tear lines) are positioned respectively at two long sides of a bottom section of the fixing member and spaced apart from each other at predetermined distance, wherein each of the locating portions is a column (the vertical tear lines).

Although the shell of the Hegge reference shown to have only one inlet and one outlet and not a plurality of inlets and outlets as claimed, attention is directed to the Hsu reference which discloses an analogous lavatory cleanser dispensing device which further includes a shell (20) having a plurality of inlets and outlets so as to provide the water of each flush always contains a solution of a strength that is corresponding to the predetermined strength (see col. 2, line 23 et seq.). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ, on the Hegge device, a shell having a plurality of inlets and outlets as, for example, taught by Hsu in order to provide the water of each flush always contains a solution of a strength that is corresponding to the predetermined strength.

Allowable Subject Matter

4. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Richards, Brown, Brown et al., Dirksing et al., and Dirksing disclose other lavatory cleanser dispensing devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 703-306-9046. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on 703-308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tuan Nguyen
Primary Examiner
Art Unit 3751
11/1/04

TN